

ORDER BELOW EXH. 6
(29-06-2020)

The plaintiff/applicant filed the present application for granting an ex-parte temporary injunction against the defendant/non-applicant. The plaintiff/applicant filed the present application for restraining the defendant from disturbing her peaceful possession over the suit property. The plaintiff/applicant further submitted that she is the owner and possessor of the suit property. The plaintiff/applicant further submitted that there is a possibility that she would be dispossess from suit property by the hands of the defendant/non-applicant. The plaintiff/applicant further submitted that if ex-parte injunction is not granted then the defendant/non-applicant will dispossess her from the suit property and she will suffer irreparable loss which cannot be compensated in terms of money. Therefore, the plaintiff/applicant prayed for grant of an ex-parte injunction against the defendant/non-applicant.

Heard advocate Mr. B. T. Maskare for the plaintiff/applicant.

Perused the record and documents filed with the present suit. After perusal of record it appears that the plaintiff/applicant filed the present suit for perpetual injunction and declaration. The plaintiff/applicant is having apprehension that if ex-parte injunction is not granted then the defendant/non-applicant will dispossess her from the suit property and she will suffer irreparable loss which cannot be compensated in terms of money. The plaintiff/applicant is also having apprehension that the defendant/non-applicant may dispossess her from the suit property. Mere apprehension is not a proper to grant any remedy or relief in favour of the plaintiff/applicant without hearing other side. Therefore, in such facts and circumstances the present application needs to be decided. Therefore, it is not proper to grant an ex-parte temporary injunction against the defendant/non-applicant. So, in the interest of justice, I proceed to pass the following order.

ORDER

1. The present application of the plaintiff/applicant is hereby rejected.

Date : 29-06-2020

Mohmad Wasim Akram
S/o Mohmad Jalal Sheaikh
Civil Judge, Jr. Division,
Deori.